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12/10/09

ORDINANCE NO. 3769

AN INTERIM ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, DEFINING TEMPORARY HOMELESS SHELTER, IDENTIFYING ZONING DISTRICTS WHERE TEMPORARY HOMELESS SHELTERS ARE PERMITTED, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, exposure to cold temperatures can cause death, and in the past, has caused death for Snohomish County's homeless population; and

WHEREAS, during winter months, Snohomish County homeless shelters frequently do not have sufficient capacity to provide shelter for all who seek refuge from extreme weather conditions; and

WHEREAS, the City adopted Ordinance No. 3730 affirming its commitment to support public and nonprofit agencies to provide needed services to indigent persons and to allow for a compliance permitting process for exemptions to State Building Code; and

WHEREAS, the City wishes to permit temporary homeless shelters at certain zoning districts as a primary or secondary use; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Findings. The City Council hereby makes the following findings in support of this interim Ordinance:

- a) The findings as set forth in the "WHEREAS" clauses are adopted and incorporated herein by this reference.

b) Under the current code, temporary homeless shelters are neither defined nor referenced as an expressly permitted primary or secondary use in any zoning district in the City of Edmonds.

Section 2. "Temporary Homeless Shelter" shall be defined as short-term residence for a group of people at a permanent building's indoor facility that is organized by a sponsor with services provided by a sponsor.

Section 3. "Short-term" shall be defined as fourteen days or less during any consecutive thirty day period.

Section 4. "Sponsor" shall be defined as a community based organization (A) that is a public agency or nonprofit corporation / organization, and (B) that fulfills its mission, in part, by organizing living accommodations for the homeless.

Section 5. Temporary homeless shelters shall be permitted as a primary or secondary use at all zoning districts where Churches or Local Public Facilities are permitted as primary uses.

Section 6. Nothing in this interim ordinance shall be interpreted as a waiver of any of the requirements of Ordinance 3730.

Section 7. No provision of any ordinance adopted by the City of Edmonds shall be applied or interpreted to prohibit a temporary homeless shelter when the same is specifically allowed under state or federal law under the circumstances.

Section 8. Public Hearing. As required by RCW 35A.63.220, this interim Ordinance shall expire six months from the date of adoption, unless sooner repealed or subsequently extended by act of the City Council. In the meantime, as further required by RCW 35A.63.220, the City Clerk is directed to schedule a public hearing on this ordinance within sixty (60) days of its adoption. The City Council may in its discretion adopt additional findings in support of this interim Ordinance at the conclusion of the public hearing. The Planning Board is

required to make a recommendation on the final version of this ordinance to be adopted by the City Council prior to its expiration.

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this interim Ordinance.

Section 10. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:


MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:


CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	12-11-09
PASSED BY THE CITY COUNCIL:	12-15-09
PUBLISHED:	12-23-09
EFFECTIVE DATE:	12-28-09; expires 06-15-10
ORDINANCE NO. <u>3769</u>	

SUMMARY OF ORDINANCE NO. 3769

of the City of Edmonds, Washington

On the 15th day of December, 2009, the City Council of the City of Edmonds, passed Ordinance No. 3769. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN INTERIM ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, DEFINING TEMPORARY HOMELESS SHELTER, IDENTIFYING ZONING DISTRICTS WHERE TEMPORARY HOMELESS SHELTERS ARE PERMITTED, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

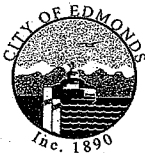
DATED this 16th day of December, 2009.


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



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The full text of this Ordinance will be mailed upon request.
DATED this 16th day of December, 2009.

CITY CLERK, SANDRA S. CHASE

Published: December 23, 2009.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance

No. 3769

Temporary Homeless Shelter

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

December 23, 2009

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Gnohl

Principal Clerk

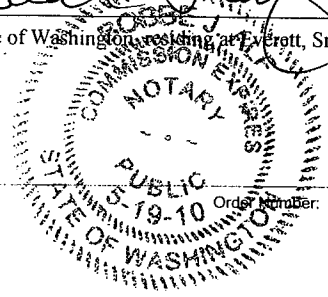
Subscribed and sworn to before me this

23rd

day of December, 2009

[Signature]

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



RECEIVED

DEC 31 2009

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001679454